

**FILED**  
TIME:IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DEC 09 2005

JAMES BONINI, Clerk  
COLUMBUS, OHIO

JAMES MICHAEL WALTERS,

CASE NO. 2:05-cv-129  
CRIM. NO. 2:02-cr-009  
JUDGE MARBLEY  
MAGISTRATE JUDGE ABEL

Petitioner,

v.

ALAN LAZAROFF, Warden,

Respondent.

**OPINION AND ORDER**

On September 23, 2005, the Magistrate Judge issued a *Report and Recommendation* recommending that petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. §2255 be granted, and that petitioner's sentence in this action be ordered to be served concurrently to his state court convictions that were pending at the time of his guilty plea. *See* Doc. No. 21. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is **ADOPTED AND AFFIRMED**. Petitioner's motion to correct his sentence is **GRANTED**. Petitioner's sentence of twenty-four months incarceration on uttering counterfeit obligations, in violation of 18 U.S.C. §472 is ordered to run concurrently with petitioner's state court sentences in Case Numbers 99CR-2207 and 99CR-07-3998, which sentences were pending at the time of petitioner's guilty plea.

**IT IS SO ORDERED.**


ALGENON L. MARBLEY  
United States District Judge